

rights under IGRA to develop such regulations. Like Governor Herrera has pointed out, without a hearing, it is difficult for the Senator to make this judgment. For these reasons, I remain opposed to the Enzi amendment.

THE PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I urge the adoption of the amendment. I ask for a voice vote on the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 111) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider that vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak therein for not to exceed 10 minutes, and that this period expire at 11 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I was pleased to cosponsor the provision of the Senator from West Virginia for an Emergency Steel Loan Guarantee program when the Committee on Appropriations reported the bill to the Senate earlier this month. I felt then, as I do now, that many steel companies have suffered significant economic injury as a result of the illegal dumping of foreign steel. In my own State of Alabama, at least one steel mill I know of is now teetering on the brink of bankruptcy due to this illegal activity. I was, therefore, very pleased by the Senator from West Virginia's effort to address this problem and provide some short-term needed relief to our steel companies. I know Senator SESSIONS shares my support for this provision because of our concern with the plight of local steel mills in our State of Alabama.

Mr. SESSIONS. Mr. President, I too am concerned with the dilemma facing our local steel mills in Alabama and I want to commend the Senator from West Virginia for his leadership, working, in a bipartisan manner with Senators from all the steel-producing and other adversely affected states, to address the substantial economic injury that the illegal dumping of imported steel has caused across the country through an Emergency Steel Loan

Guarantee program, which is to be part of the Emergency Supplemental appropriations bill, for the fiscal year ending September 30, 1999. My understanding is that the intent of the Emergency Steel Loan Guarantee program is to afford all qualified steel companies with the opportunity to obtain a loan guarantee, whether or not the company is now or is placed in a situation where it must seek to reorganize under Chapter 11 of the United States bankruptcy laws before the end of this year? Is my understanding of the program correct?

Mr. BYRD. The Senator is correct.

Mr. SHELBY. As you know, several companies have already been forced into bankruptcy because of the "critical circumstances" that these unprecedented levels of imports have caused—Acme, Laclede, and Geneva Steel come to mind—and that several other companies are in a distressed financial condition, including companies in West Virginia and Alabama. Senator SESSIONS and I have met with the workers of steel companies on numerous occasions since this crisis started last fall. We have been told that because of this dire situation, companies are no longer able to borrow money in the private sector because of the disruptive and uncertain market. In which they must operate and that the immediate implementation of the Emergency Steel Loan Program is essential to the continued viability of these companies. It is my understanding that this program is specifically designed to encourage the private sector to make such loans available and that the Board will expedite its review of loan guarantee applicants that are in immediate need of such financial assistance.

Mr. BYRD. The Senator is correct. The Emergency Steel Loan program is designed to provide immediate access to necessary working capital and to allow companies to refinance long-term debt obligations on reasonable terms and conditions, which will improve their immediate cash flow positions so they can stay in business until this crisis passes. We do not want to have companies be deprived of an economic life-line when they are drowning and need a helping hand.

Mr. SESSIONS. As you know, the Senate Judiciary Committee, of which I am a member, spent a great deal of time last year examining the bankruptcy law and how to improve it for both doctors and creditors. I am particularly concerned that companies that seek to reorganize under Title 11 of the U.S. Code, are not precluded from obtaining a loan guarantee under this program since by definition the debts of such companies exceed their assets. Let me be specific, if a company does not have traditional forms of available "security," such as is defined in the 11 U.S.C. Sec. 101, would the Board consider an order of the federal bankruptcy judge finding that a guarantee is necessary to enable the company to operate its business or reorganize meets that requirement?

Mr. BYRD. The Senator is correct that the bill was written so that "security," as defined in the bill, would cover such a situation, however if further clarification is required we will work to address that and similar issues so that such companies are not excluded from the assistance provided in this emergency loan program.

Mr. SHELBY. Is it the Committee's intent that the Emergency Steel Loan Guarantee Program, established under S. 544, be made available to all qualified steel companies that satisfy the requisite security requirements in section (h)(2) at the time loan commitment is made as well as available at the time the loan becomes effective, regardless of whether or not a qualified steel company is now or could be required to reorganize under Chapter 11 of Title II of the U.S. Code?

Mr. BYRD. The Senator is correct, and if necessary we will clarify that further.

Mr. SESSIONS. The power of a United States bankruptcy court already provide that a court may issue any order that is necessary or appropriate to carry out its responsibilities of the bankruptcy law to protect the custody of the estate and its administration. Specifically, 11 U.S.C. Section 364 requires a debtor to obtain the permission of the court as a prerequisite to incurring additional credit. If a United States bankruptcy court determines that a qualified steel company under its jurisdiction requires the immediate access to a guarantee in an amount less than \$25 million, would that company be precluded from participating in the program because it has an immediate need of a lesser amount of guarantee than specified in section f(4)?

Mr. BYRD. That was not the intent of the Committee and we would expect the Board to afford substantial deference to such a determination by a United States bankruptcy court and we will further clarify that if required.

KOSOVO

Mr. BENNETT. Mr. President, I had not thought to address this subject, but the opportunity presents itself here and I find that I have reactions to this morning's newspaper that I would like to share with the Senate.

There were two things that happened yesterday, both of which are reported in this morning's paper. I think they come together with an interesting connection. The first one was a briefing held here in this building, on the fourth floor, on the issue of Kosovo and what the United States is about to do there. Attending that briefing, appropriately reported in this morning's paper, were the Secretary of State, Secretary of Defense, the President's National Security Adviser and the Chairman of the Joint Chiefs of Staff. Basically, they told us we are on the brink of going to war; that is, that the United States is prepared, with its